

Appn No. 10/787,481  
Dated December 18, 2008  
Response to Office Action of September 18, 2008.

## **REMARKS**

Applicant thanks Examiner Shrestha for the thorough examination. The Office Action mailed September 18, 2008 (“Office Action”), sets forth the following:

- Claim 1 is provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as Application 10/415,967
- Claim 50 was rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent 7,389,268 (“Kemp”).
- Claims 1-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kemp in view of U.S. Patent 5,596,347 (“Robertson”).

Claims 1, 14, 29 and 50 have been amended. Support for the amended claims may be found throughout the specification. No new matter has been added. Applicants respectfully submit that the pending claims are allowable for at least the following reasons:

### I. Related Applications

Applicant understands that the Examiner reviews the claims and prosecution history of related applications as they contain common subject matter. For the purposes of the present application, Applicant hereby rescinds any disclaimer of claim scope that may have been (or may be) made during the prosecution of any related application. Applicant respectfully requests examination of the instant claims according to the claim language in light of the prior art without importing statements made by the Applicant in the prosecution of any related application.

### II. Double Patenting

The double patenting rejection has been obviated by the above amendments. Withdrawal of the rejection is requested. In the alternative, Examiner is requested to hold the provisional double patenting rejection in abeyance until the application is otherwise deemed allowable. The MPEP 1490(V)(D) states that the Examiner should withdraw the rejection in an earlier filed application to thereby permit the application to issue without need of a terminal disclaimer when a provisional obviousness-type double patenting rejection is the only rejection remaining. At that time, the Examiner is required to withdraw the provisional double-patenting rejection to permit the application to issue as a patent. (*See* MPEP § 804(I)(B), page 800-17).

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III. Rejection Under 35 U.S.C. §102

Exemplary embodiments described in the application include features that allow a user to select an area of interest on a trading screen. More particularly, the user selects an area of interest on a trading screen, such as by a click of a mouse button, and the contents of the trading display are repositioned or moved with respect to the trading screen to the area of interest. When indicators for market data of a tradeable object are displayed with respect to a value axis, the indicators may ascend or descend the value axis with changes in the market data. Because the size of the trading display is limited, it can display only a limited amount of information for the tradeable object. Accordingly, the indicators may move to the top or bottom of the trading display. In addition, the information in the market data may not be displayed, or be out of view. Embodiments described in the application allow the trader to select an area of the trading display, such as a price level on the axis, and have that area moved to a position approximately centered, or at a predetermined location on the trading display.

*Independent Claim 50*

Claim 50 relates to repositioning market information for a tradeable object. First and second indicators are dynamically displayed in a location of a respective display region. The first indicator is dynamically displayed in a bid display region and represents a quantity of an order to buy the tradeable object. The second indicator is dynamically displayed in an ask display region and represents a quantity of an order to sell the tradeable object. The bid and ask display regions are displayed relative to value levels along a common value axis such that the first and second indicators move relative to the common value axis in response to changes in the inside market. A selection of a particular location of the bid display region or the ask display region is made, and in response, a change of the view of the bid and ask display regions is triggered so that the particular location is axially moved to a predetermined position on the screen and the first and second indicators are also moved with the particular value along the common value axis.

Kemp relates to a trading application that allows a trader to view market data, enter and cancel trade orders and /or view orders. (Col. 5, ll. 28-30). In Kemp, a trader can re-position an inside market on a trader's screen with a click at any point within a gray area below a "Net Real" button or other area of the display. (col. 9; l. 64- to col. 10, l. 2). For example, an item of

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interest, such as the LTP) may be designated as the basis for positioning such that upon positioning, the LTP will be moved to a predetermined location. (col. 26, ll. 18-21; ll. 65-67). The repositioning is triggered by a timer or by monitoring the movement of the item of interest, such as the movement of the LTP. (col. 26, ll. 21-26). Kemp explains that the repositioning feature is triggered by the LTP or inside market being outside the viewable area or is more than a predetermined distance away from a display location. (col. 26, ll. 26-33).

Applicant respectfully submits that Kemp does not disclose or suggest at least:

- automatically triggering a change of the view of the bid and ask display regions, such that the particular location is moved to a predetermined position on the screen in response to the selection of the particular location.

In Kemp, a change of view is triggered either by a timer or by monitoring movement of an item of interest. Kemp does not trigger a change of view in response to the selection of a particular location as in the claims. In addition, an item of interest in Kemp is the LTP or an inside market, and is not a selected location of a display screen as in claim 50. That is, in Kemp, the repositioning feature is automatically triggered by monitoring the movement of the item of interest, such as the LTP or inside market. For example, when the LTP or inside market moves off the screen, the repositioning feature may be triggered. The LTP or inside market is moved to a predetermined location. In claim 50, the view of the value axis is triggered by the selection of a location of a display region by the trader. In addition, the selected location is moved to the predetermined position. Accordingly, in claim 50, the trader selects the movement of a particular location, whereas in Kemp, the repositioning feature is repositioned based on the item of interest (*i.e.*, the LTP, inside market, *etc.*). Accordingly, Kemp does not disclose the features of claim 50. Withdrawal of the rejection is requested.

#### IV. Rejection Under 35 U.S.C. §103

##### *Independent Claim 1*

Claim 1 relates to changing the view of market information for a tradeable object on a screen that displays at least one market indicator that moves relative to a value axis. In the claim, a view of a value axis having a range of values, each associated with a value of the tradeable object, is displayed on a screen. A display region having locations corresponding to one of the values of the value axis is also displayed on the screen. The command selecting a

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particular location of the display region automatically triggers a change of the view of the value axis, such that a value of the selected particular location is moved to a predetermined location on the screen.

As discussed, Kemp does not disclose or suggest the feature of triggering a change of the view of the value axis in response to the selection of a location as in claim 1. Again, in Kemp, a change of view is triggered off a timer, or monitoring an item of interest, such as the LTP or inside market.

Robertson also does not disclose or suggest the feature of triggering a change of the view of the value axis as in the claims. Instead, Robertson relates to automatically repositioning a cursor in a determined intended cursor location on a computer display. (Abstract). That is, the system in Robertson determines whether a cursor should be positioned at a default option when the user opens a new window according to user selectable option. (Abstract). Accordingly, the cursor is positioned where the user predetermined to where the cursor should be positioned. The selection of opening the window did not trigger a repositioning feature. Accordingly, the feature of “automatically triggering a change of the view of the value axis, in response to the selection of the particular location, such that a value of the selected particular location is moved to a predetermined location on the screen,” as included in the claims is not disclosed or suggested by Robertson.

Because the feature of “automatically triggering a change of the view of the value axis, in response to the selection of the particular location, such that a value of the selected particular location is moved to a predetermined location on the screen” is not disclosed or suggested by Kemp or Robertson, the combination of Kemp and Robertson also fails to disclose or suggest the features included in the claims. Accordingly, claim 1 would not be obvious over the cited art. Withdrawal of the rejection is requested.

*Independent Claim 29*

Claim 29 relates to displaying market information for a tradeable object. In the claim, a change of the display of the display region is automatically triggered according to repositioning the value axis such that the display region is associated with a second portion of the value axis and the value level associated with the selected particular location is displayed at a predetermined location with respect to the second portion of the value axis in the display region.

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The change is triggered in response to a selection of a particular location of the display region by a user input device. As discussed, the combination of Kemp and Robertson does not disclose or suggest the features of claim 29. Accordingly, claim 29 would not be obvious over the cited art. Withdrawal of the rejection is requested.

*Dependent Claims*

Applicant respectfully submits that the dependent claims are allowable for at least the reasons of the independent claims from which they depend, in addition to the features included in the dependent claims not included in the cited art.

V. Conclusion

In view of the foregoing, Applicant respectfully submits that the claimed invention is in a condition for allowance. The claims are not described, taught, or suggested by the cited art. Accordingly, favorable consideration and withdrawal of the rejections are requested. The Examiner is invited to contact Trading Technologies in-house Patent Counsel Joseph Flerlage at 312-698-6065 to expedite examination of the application.

Respectfully submitted,  
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